In the more than 10 years since Hadiya was killed, America's crisis of gun violence has gotten progressively worse. Today, gunfire is the No. 1 killer of America's children. Think about that for a second—gun violence, the No. 1 killer of America's children today, of all the things they face in life.

One in five Americans now say they have lost a loved one to gun violence—one in five. Many Americans say they live in fear of sending their kids to school or the local grocery store or church, that they will become targets of the next mass shooting.

Last weekend, sadly, at least 46 people were shot in the city of Chicago during the weekend. Ten died. This includes a horrific mass shooting in the Austin neighborhood, where seven people were shot and one died just blocks away from where the new mayor lives.

Some politicians claim, well, that is part of American life; we have to accept it. I think they are wrong, and nearly 90 percent of Americans who support new gun safety laws agree it is time for Congress to do something. That is why it is unbelievable to me, having served in this body for a number of years, that this week the Senate Republicans want to take us backwards and weaken an existing gun law, one that has been on the books since 1934, almost 90 years: the National Firearms Act.

Congress passed this law almost 90 years ago to set strict rules around particularly dangerous firearms like machine guns, sawed-off shotguns, and short-barreled rifles, but right now, the Republican effort on the floor wants to wipe away a regulation from the Bureau of Alcohol, Tobacco, Firearms and Explosives which restricts devices that can convert pistols into short-barreled rifles.

The device is known as a stabilizing brace. When you attach one to a pistol, you can hold the weapon against your shoulder to fire it. It is accurate like a rifle but easily concealed, more like a handgun. That is exactly why, for almost 90 years, short-barreled rifles have been regulated in the United States. This kind of weapon is still being used. It was used by the mass shooter who killed 9 people and injured 17 others in Dayton, OH, in 2019 and by another mass shooter in Boulder, CO, in 2021 who killed 10 people.

Now, ask yourself, is this what America needs in the year 2023: weakening gun laws that have been on the books since Franklin Roosevelt was President, making it easier to conceal short-barreled rifles in your handbag or backpack? Absolutely not. But this Republican proposal, at this moment of gun violence and bloodshed in America, would make it easier for mass shooters and criminals to access these dangerous weapons.

Under the ATF rule, gun owners have a number of ways to comply. They can take the brace off their pistol or put a longer barrel on it, but they cannot have a short-barreled rifle without being subject to regulations from that 1934 National Firearms Act, which included registration and limits on transfers.

The ATF's regulation on pistol braces is just common sense. More importantly, it will save lives. The only question is, Why are the Republicans bringing this up at this moment in our history? Why? Is it for the gun lobby or for the American people?

VENEZUELA

Mr. President, on another topic, last month, a few of my colleagues and I had a memorable meeting with the former interim President of Venezuela, Juan Guaido. After a heroic and determined effort to bring some semblance of democracy and stability to the once-proud nation of Venezuela, he and his young family fled in fear for their safety and future. He showed me the harrowing photos of his wife and two young daughters fleeing secretly over land and across a dangerous river into Colombia—a story that, sadly, isn't unique or even the worst I have heard.

Under the current Maduro regime, Venezuela is a politically repressive failed state. I visited with this President in Caracas before the discredited 2018 election, and what I saw and what continues today is heartbreaking. There are people starving and fainting at work from malnutrition, hospitals without electricity and basic medicines, brutal political repression and torture, and staggering corruption and the dismantling of what is left of that country's democracy. It is not surprising, then, that over the last decade, more than 6 million Venezuelans have fled their country in despair and fear, traveling to neighboring nations and some onward to the United States.

Yesterday, I went to the Piotrowski Park shelter in Chicago, and I met with a number of these Venezuelan immigrants, some of whom were bused into Chicago from Texas. It is not the first time I have sat down with these immigrants to hear their stories. The city of Chicago, like many other cities, is doing the best they can to provide good, humane care for these people and these families.

I asked one woman about the journey she made. She sat right next to me with three little boys, the cutest kids you have ever seen—7 years old, 5 years old, and 3 years old—and she told me what it meant to take them through the jungles in Panama and realize that at any moment they could perish. That is how desperate she was for freedom, how desperate she was to get to the United States. Hers is not a unique story; it is a story repeated over and over.

I want to especially thank Kate Maehr at the Greater Chicago Food Depository and the New Life Community Church, Matt DeMateo, for his leadership and helping this woman's desperate family and so many other migrants arriving in Chicago.

Previously, I, along with several colleagues, urged the previous administration and then President Biden to grant temporary protected status to these Venezuelans. TPS is a temporary immigration status provided to foreign nationals if returning to their country would pose a serious threat to their safety because of ongoing conflict, environmental disaster, or other extraordinary conditions. It is the kind of commonsense move self-confident nations and leaders take to demonstrate global leadership and compassion—one I was glad President Biden made early in his Presidency.

The original designation covered Venezuelans who arrived in the United States by March of 2021. Today, I call on the administration to make a similar designation for more recent Venezuelan arrivals. The Venezuelans I met in Chicago will tell you that conditions have only worsened since 2021. A new TPS designation would not provide permanent immigration status but, instead, a measure of American decency and solidarity with those who face violence and chaos in Venezuela.

U.S. SUPREME COURT

Mr. President, you have all heard the story, I am sure, about the U.S. Supreme Court and Justice Clarence Thomas. It was published about 6 weeks ago. It turns out that Justice Thomas was receiving lavish gifts from a Texas billionaire named Harlan Crow.

Harlan Crow and his family made a lot of money in real estate and other investments. He is pretty well known because, as recently as this last summer, Harlan Crow had been providing transportation for a Supreme Court Justice, Clarence Thomas, and his family, and sadly the Justice failed to disclose that gift as required by law.

The highest Court in the Nation must not have the lowest ethical standards. Sadly, I am afraid that is the case today. Every Federal judge in the United States of America is bound by a code of ethical conduct and a set of ethics rules and enforcement mechanisms—every single judge in America except for the nine across the street in the Supreme Court.

It was 11 years ago, February 2012, when I first wrote Chief Justice Roberts and urged him to address this problem. I urged him to have the Supreme Court adopt a binding code of conduct that applies to all Justices, just like every other Federal judge in America. He refused, and the ethics problem, which was already swirling around the Court a decade ago, has grown progressively worse.

The Senate Judiciary Committee, which I chair, is currently seeking information to understand the full extent of the ethical problems in the Supreme Court because of their lack of a binding code of conduct. The committee must engage in this work because Chief Justice Roberts refuses to do what is within his power to do today: adopt a resolution binding the nine Justices to an enforceable code of ethical conduct, just like every other Federal judge.

The polling data on the reputation of the Supreme Court tells the story. It

has plummeted. People have lost confidence in a Court that is hiding something as basic as this.

If people with interests before the Court are able to get special private access to any Supreme Court Justice through gifts or travel or vacations and giveaways, the American people have a right to know. If the Court is going to be credible, it has to be transparent. At a minimum, it creates an appearance of a conflict of interest, if not an actual one.

The Senate Judiciary Committee has well-established legislative and oversight authority over the Federal judiciary. It is imperative that the committee understand how people or parties with interests before the Court are able to gain influence and access to any Justice.

While we are focused on the ethical conduct of all the Justices, the revelations about hundreds of thousands of dollars in undisclosed gifts that Justice Clarence Thomas has received over the past two decades present the clearest example of the appearance of misconduct that we must address through legislation.

Late last night, the Senate Judiciary Committee received a second response from Texas billionaire Harlan Crow to our earlier letters of May 8 and May 26. Those letters were requests for information about the lavish gifts he and three companies have provided to Justice Thomas. Sadly, he has made it clear that he refuses to voluntarily cooperate. Harlan Crow has based this refusal on a dangerous, undemocratic argument that information requests of him about these gifts infringe on the separation of powers between Congress and the Court. This argument is baseless.

Good news for Harlan Crow: If you check with your lawyers, they will inform you, you are not a branch of government; you are a private citizen. You cannot declare that you are standing up for the Supreme Court and refuse to cooperate with Congress.

That is exactly what he is doing. He is not a member of government. He is not a government. He is not a branch of government. He is a rich Texas billionaire who wants friends in high places.

The Senate Judiciary Committee has clearly established authority to conduct oversight over the ethical crisis of the Court's own making and to legislate as needed to address it. Let me be clear. All options are on the table to acquire information. We need to help restore faith in the conduct of public servants who serve the highest Court in the land.

Mr. President, I ask unanimous consent to have printed in the RECORD the latest letter which we have received from Harlan Crow through his attorneys.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 5, 2023.

Re: Response to May 26, 2023, Letter to Harlan R. Crow

Hon. DICK DURBIN, *Chairman,*
U.S. Senate Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN DURBIN: We write on behalf of Harlan Crow in response to your letter of May 26, 2023 (the ''May 26 Letter'') responding to our May 22, 2023 letter (''Response''), which raised serious concerns about your original request of May 8, 2023 for information regarding Mr. Crow's friendship with Justice Clarence Thomas. Please note that CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC have asked us to respond on their behalves and we are doing so today. While the concerns we expressed in our Response about the Committee's investigation remain, we respect the Senate Judiciary Committee's important role in formulating legislation concerning our federal courts system, and would welcome a discussion with your staff.

In our Response, we explained why we believe the Committee lacks authority to conduct its investigation of Mr. Crow and Justice Thomas. To reiterate, Congress does not have the power to impose ethics standards on the Supreme Court. It therefore cannot mount an investigation for the purpose of helping craft such standards. The Committee also may not pursue an investigation for the purpose of targeting and exposing private facts about an individual. Finally, because the Committee has requested information about the leadership of a coequal branch of government—implicating sensitive separation of powers considerations—it must satisfy a higher standard in order to establish a valid legislative purpose for seeking the requested information. On this point, too, the Committee's investigation comes up short.

THE CONSTITUTIONAL LIMITS ON THE COMMITTEE'S AUTHORITY ARE CLEAR

In our Response, we explained in detail why Congress lacks power to impose ethics standards on the Supreme Court. The fact that Congress has enacted ethics legislation previously—a point on which the May 26 Letter relies heavily—is no answer to our concerns. ''[P]ast practice does not, by itself, create power.'' Medellin v. Texas, 552 U.S. 491, 532 (2008) (quotations omitted). The constitutionality of the legislation the Committee claims it is crafting must be assessed on its own terms, not based on whether it is consistent with other laws, the constitutionality of which has never been tested.

Nor does Congress's ability to enact laws governing mere administrative functions of the Supreme Court mean that Congress also has the authority to take the very different and more intrusive step of imposing ethics standards on the Justices. Congress's power to create laws ''necessary and proper for carrying into Execution'' the provisions of the Constitution must be ''[read together'' with the precise contents of those provisions. Bond v. United States, 572 U.S. 844, 874–75 (2014) (Scalia, J., concurring). To do otherwise would create ''unlimited congressional power'' inconsistent with the constitutional design. Id. at 877.

Thus, Congress may undertake measures to facilitate Article III's vesting of judicial power in the Supreme Court, such as by fixing the number of Justices who serve on the Court above the constitutional minimum. See U.S. Const. art. III, §1; U.S. Const. art. I, §3, cl. 6; id. §8, cl. 18. But fixing the number of Justices is, as this Committee has recognized in the past, done ''for purely administrative purposes.'' S. Rep. No. 75–711 at 12 (1937). It is a ministerial measure to help execute the vesting of judicial power. It is not a regulation of the exercise of judicial power, which the Constitution reserves to the judiciary. See Stern v. Marshall, 564 U.S. 462, 483 (2011) (''[T]he judicial Power of the United States can no more be shared with another branch than the Chief Executive, for example, can share with the Judiciary the veto power.'' (quotations omitted)). And Congress's ability to enact measures that effectuate the vesting of judicial power does not imply plenary authority to enact any and all laws that may be related to the judicial function. Cf. Gibbons v. Ogden, 22 U.S. 1, 195 (1824) (''The enumeration presupposes something not enumerated.'').

In stark contrast to a statute fixing the number of seats on the Supreme Court, an ethics standard would be a substantive regulation of the conduct of the Justices in both their official and private lives. It is different in kind from laws that facilitate the vesting of the judicial power because it is not ''incidental'' to the basic administrative functioning of the Court. Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 559 (2012). Nor is an ethics standard a ''prerequisite'' to the Court's exercise of judicial power. Patchak v. Zinke, 138 S. Ct. 897, 907 (2018). It is therefore beyond Congress's authority under the Necessary and Proper Clause. Further, the May 26 Letter does not identify any other enumerated power that could possibly support the enactment of an ethics standard. That means an ethics standard of any kind, imposed on the Court by Congress, would be unlawful. See United States v. Morrison, 529 U.S. 598, 607 (2000).

Moreover, even if the Committee could find authority to legislate on the subject in an enumerated power, any attempt to enact Supreme Court ethics standards would still run afoul of the separation of powers. Indeed, this Committee rejected President Franklin Roosevelt's proposal to expand the number of seats on the Supreme Court because the proposal would have ''permit[ted] executive and legislative interferences with the independence of the Court, . . . a permission which constitute[s] an afront to the spirit of the Constitution.'' S. Rep. No. 75–711 at 12 (1937). Thus, even if a measure like modifying the number of seats on the Court would ordinarily be permissible, it cannot be undertaken where it would erode the ''essential balance created by'' separating ''the legislative from the judicial power.'' Plaut v. Spendthrift Farm, Inc., 514 U.S. 211, 221–22 (1995).

The independence of the Court is exactly what is at issue here. If Congress. were empowered to enact ethics standards targeting the Justices, that power could readily be used to coerce or harass them for exercising the judicial power in ways deemed objectionable by legislators. An ethics standard imposed by Congress on the Justices would loom over the Court's independence as an implicit and omnipresent threat that the political branches may, at any time, ''punish the Justices whose opinions [they] resent.'' S. Rep. No. 75–711 at 12 (1937). If dissatisfied with a decision, Congress could amend the standard, effectively giving Congress a ''general superintending power'' over the Court. Calder v. Bull, 3 U.S. 386, 398 (1798) (Iredell, J., concurring). Likewise, any enforcement mechanism for such an ethics standard would further undermine the constitutionally mandated independent role of the Supreme Court. A code enforced by the Judicial Conference of the United States, for example, would impermissibly invert the hierarchy of the judicial department, placing lower court judges in a supervisory role over the Supreme Court. Similarly, an ethics code enforced by executive branch officials would expose the Justices to potential harassment by political actors. And a congressionally mandated code that was meant to be enforced by the Justices themselves would be a

usurpation by Congress—a command to the Justices to exercise in a particular way an inherent judicial power that is reserved exclusively to the Justices' discretion. See Patchak, 138 S. Ct. at 905 (''The separation of powers, among other things, prevents Congress from exercising the judicial power.'').

These risks are particularly acute because of key differences between the Supreme Court and the political branches. Both Congress and the President have ample constitutional powers that can be freely wielded at their discretion in the course of inter-branch conflicts, such as Congress's appropriations and impeachment powers, and the President's veto power and wide-ranging administrative authority. Both political branches also enjoy the political support of their respective constituents. By contrast, the Supreme Court has no political base, no role in the legislative process, and no authority to control, influence, or investigate the administration or execution of the laws outside the context of specific cases or controversies initiated and pursued by government or third-party litigants. This relative lack of power and political support vis-à-vis the political branches renders the Court more vulnerable to political intimidation. See Nixon v. Adm'r of Gen. Servs., 433 U.S. 425,441 (1977) (finding separation of powers concerns reduced because the ''Executive Branch became a party to the [statute's] regulation'' when the President signed it into law and where executive officials ''promulgate and administer the regulations that are the keystone of the statutory scheme''). Further, unlike lower courts, the Supreme Court possesses the ultimate power to ''say what the law is'' for the entire country, Cooper v. Aaron, 358 U.S. I, 18 (1958) (quoting Marbury v. Madison, 5 U.S. 137, 177 (1803)), including the ability to depart from past precedents where they are ''unworkable or are badly reasoned,'' Payne v. Tennessee, 50 I U.S. 808, 827 (1991). That gives the Supreme Court a singularly important place in our system of government, and makes any impairment of its ''performance of its constitutional duties'' a unique threat to the constitutional structure. Loving v. United States, 517 U.S. 748, 757 (1996).

In short, separation of powers principles dictate that each branch must be ''entirely free from the control or coercive influence, direct or indirect,'' of the other branches. Humphrey's Ex'r v. United States, 295 U.S. 602,629 (1935). Yet permitting Congress to arrogate to itself the power to impose an ethics standard on the Supreme Court would create a substantial risk of both direct and indirect coercion of the Court by the political branches—a risk made all the more apparent by recent calls to pack the Court or retaliate against the Justices if they ''go forward'' with certain decisions. See, e.g., Jess Bravin, Chief Justice John Roberts Rebukes Chuck Schumer Over 'Pay the Price' Comments, Wall Street Journal (Mar. 5, 2020).

THE CONSTITUTIONAL OBJECTIONS TO IMPOSING ETHICS STANDARDS ON THE JUSTICES BAR THE COMMITTEE'S INVESTIGATION

Given the foregoing considerations, the Committee's investigation is inconsistent with the Constitution. Congress's investigative authority extends only to subjects ''on which 'legislation could be had.' '' Eastland v. U. S. Servicemen's Fund, 421 U.S.491, 506 (1975) (quoting McGrain v. Daugherty, 273 U.S. 135, 177 (1927)). Contrary to the claims in the May 26 Letter, courts have made clear that, if an investigation is aimed at crafting a constitutionally objectionable law, it is not permitted. See Barenblatt v. United States, 360 U.S. 109, 111 (1959) (''Congress may only investigate into those areas in which it may potentially legislate or appropriate.''); see also United States v. Lamont, 18 F.R.D. 27, 33 (S.D.N.Y. 1955) (''[T]he Supreme Court has steadfastly held that the congressional power to investigate is not boundless.''). While an investigation may be carried out to aid the enactment of a lawful statute—and may proceed even if it might also be used to help write other bills that may not withstand constitutional scrutiny—an investigation is barred where it has no legitimate legislative objective. See Quinn v. United States, 349 U.S. 155, 161 (1955). That is the case here.

The cases on which the May 26 Letter relies to suggest otherwise involved circumstances where the court did ''not know the particulars of any legislation that Congress might ultimately enact,'' and had ''no reason to conclude . . . that any legislation in the areas considered by the Committee would necessarily present a constitutional problem.'' Trump v. Mazars USA, LLP, 39 F.4th 774, 809 (D.C. Cir. 2022). Here, by contrast, the Committee's intentions are clear: It seeks to enact ethics standards for the Supreme Court, and is considering specific bills to accomplish that goal. See, e.g., Supreme Court Ethics, Recusal, and Transparency Act of 2023, S. 359, 118th Cong. (2023); Supreme Court Ethics Act, S. 325, 118th Cong. (2023). It is equally clear that any ethics standard that Congress requires the Supreme Court to follow would exceed Congress's authority, for all the reasons set forth above. The Committee's investigation thus presents a quintessential example of an impermissible inquiry on a subject on ''which Congress is forbidden to legislate.'' Quinn, 349 U.S. at 161.

SEEKING INFORMATION ABOUT A SITTING SUPREME COURT JUSTICE FROM A PRIVATE PARTY FURTHER IMPLICATES SEPARATION OF POWERS CONCERNS, WHICH IMPOSE A HEIGHTENED STANDARD FOR SHOWING A LEGISLATIVE PURPOSE

The Committee's requests also cannot withstand constitutional scrutiny for an additional reason. Because its requests are aimed at obtaining private information about a sitting Justice of the Supreme Court, they squarely implicate the separation of powers, which means the Committee's investigation must satisfy a heightened standard in order to establish a valid legislative purpose for seeking the requested information. But the Committee makes no effort to meet that heightened standard.

Most importantly, the May 26 Letter mistakenly claims that the Committee's requests do not implicate the separation of powers because they ask for the records of ''private entities, not a coequal branch of government.'' As a matter of both Supreme Court precedent and common sense, that distinction is irrelevant. ''The Constitution does not tolerate such ready evasion; it 'deals with substance, not shadows.' '' Trump v. Mazars USA, LLP, 140 S. Ct. 2019, 2035 (2020) (quoting Cummings v. Missouri, 71 U.S. 277,325 (1866)). When, as here, Congress is demanding information about the leadership of a coordinate branch of government, the request ''present[s] an interbranch conflict no matter where the information is held.'' Id. Those ''separation of powers concerns are no less palpable . . . simply because the [Letter] w[as] issued to [a] third part[ly].'' Id. The Committee's requests are plainly aimed at obtaining information about Justice Thomas and, accordingly, they trigger the heightened standards that apply to such interbranch investigations.

Those standards require that congressional requests be ''no broader than reasonably necessary to support Congress's legislative objective,'' and that the Committee rely on other sources for the information it seeks if those ''sources could reasonably provide [the Committee] the information it needs.'' Mazars, 140 S. Ct. at 2035–36. The Committee is not entitled to every piece of conceivably relevant information, particularly where other sources are available to guide the Committee's work. The May 26 Letter makes no effort to explain how the Committee's requests satisfy these standards. Simply asserting that the information requested from Mr. Crow ''could be helpful in our legislative effort,'' Senator Richard Durbin, Remarks on the Floor of the United States Senate (May 30, 2023), fails to meet the standards that govern when ''separation of powers principles [are] at stake,'' Mazars, 140 S. Ct. at 2035. It is also apparent that the Committee has an abundance of information and other sources to draw upon to inform its legislative efforts without resorting to intrusive requests for details about Justice Thomas's private life. See id. at 2036 (''[E]fforts to craft legislation involve predictive policy judgments that are not hampered in quite the same way [as are criminal proceedings] when every scrap of potentially relevant evidence is not available.'' (quotations omitted)).

The May 26 Letter disclaims any inappropriate focus on Justice Thomas, based in part on work done in previous Congresses related to Supreme Court ethics. But the work of past Congresses is of limited relevance; what matters is what the Committee is doing today. On this point, the May 26 Letter is clear. It states that ''[t]his year, ProPublica released not one, not two, but three different reports about unreported gifts or transactions Justice Thomas has received from or engaged in with [Mr. Crow].'' No other Justice has been singled out by name for supposed ethics lapses. The focus of the Committee's inquiry is unmistakable, and appears designed to expose Justice Thomas's private affairs ''for the sake of exposure.'' Watkins v. United States, 354 U.S. 178, 200 (1957). That does not qualify as a valid legislative purpose.

The Senate Judiciary Committee has often served as a bulwark of constitutional values in our Republic. In the face of past efforts to undermine the Supreme Court's independence, this Committee committed itself to ''maintaining inviolate the independence of the three coordinate branches of government.'' S. Rep. No. 75-711 at 16 (1937). Respectfully, we ask that the Committee Majority reassess the partisan course it is pursuing, which has no place under our Constitution.

Please feel free to have your staff contact me with any questions concerning this response and to set up a time to further discuss your requests.

Sincerely,

MICHAEL D. BOPP.

Mr. DURBIN. Mr. President, there are parts of this letter which I find incredible. We received it late last night.

As I mentioned before, Harlan Crow, the Texas billionaire who gave hundreds of thousands of dollars of undisclosed gifts to this Supreme Court Justice over a period of 20 years, now refuses to tell us anything about what those gifts involved, how much was spent, who was there, what this was all about. He says he can't tell us that because we don't have any authority in Congress over that branch of government—the Supreme Court.

Well, he is wrong about that. It turns out, the ethics laws that we passed in Congress in years gone by have been upheld by other courts and followed by them, but it is only one court in the land that has decided it won't follow

those standards. The highest Court in the land has decided it will have the lowest ethical standards.

It is hard to understand. Here is Harlan Crow, the Texas billionaire, spending all this money on one Supreme Court Justice, saying that we cannot, in Congress, ask hard questions about the ethical standards of the highest Court in the land because it would put undue influence on the Court.

Bottom line: Undue influence is what this is all about. No one should be able to spend hundreds of thousands of dollars on a Senator, a Congressman, or certainly a Supreme Court Justice without full disclosure and compliance with the law.

For the Supreme Court to say that is asking for too much, I think the American people can draw their own conclusions. They have a right to know, if Harlan Crow thinks our passing an ethics code for the Supreme Court would put undue influence on the Court, how does he explain spending hundreds of thousands of dollars on gifts, trips, on yachts, and chartered airplanes for a Supreme Court Justice? Is he not seeking undue influence on the same Court? It is obvious that it is true.

What surprised me after I received this letter—and, once again, was offended by the logic of it, if there is any—at the end of the day, I looked online today to find that this attorney, Michael Bopp, is saying that he made an offer now to meet with the staff of the Senate Judiciary Committee.

I read the letter for a third time. And I thought, how did I happen to miss that? Well, it turns out it is the final sentence in the letter. And I would like to read it to you.

Please feel free to have your staff contact me with any questions concerning this response and to set up a time to further discuss your requests.

That, I suppose, is the offer to meet. I am not going to turn it down. We are going to meet with him if he wishes to discuss this further.

But before we go any further than that conversation about this committee, let me make a reference to the bottom line in this controversy. Chief Justice John Roberts, the person that this Court is named after, as all Chief Justices are—the Roberts Court has the authority this afternoon, before 5 o'clock, to announce a resolution to resolve this issue once and forever, to make sure that the Court steps away from the sordid affair with the right conclusion. To put a code of ethics in a standard of ethical conduct in place will bring this Court into the same world of reality as the rest of the courts in the United States.

The American people need to have confidence in this Court. And hiding gifts of hundreds of thousands of dollars, not disclosing, and paying no price when they are finally discovered is not the way to convince the American people that the Court is credible.

We are going to continue in the Senate Judiciary Committee to do all that we need to do to get to the bottom of this controversy. The American people have a right to believe in this Court, as they do in this Congress. And we have to do everything under our power to make sure that happens.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

CONGRESSIONAL OVERSIGHT

Mr. GRASSLEY. Mr. President, today, once again, I am here to discuss my constitutional oversight of the Justice Department and the FBI. It surely has been a very busy year thus far for congressional oversight, and let me say rightly so. That is the way it should be because we know, first, Congress passes laws, but Congress can't stop there. We have got to make sure that Congress follows up to guarantee, under our checks and balances of our Constitution, that a President will faithfully execute the laws.

In many of my speeches on the topic of oversight, I have discussed how political infection has taken root in the Biden Justice Department and FBI. Such a political infection is catastrophic to the trust the American people must have in these institutions in order for those institutions to have any legitimate effect.

To restore this country's confidence in the Justice Department and the FBI, these Agencies must come clean with a 1023 document that whistleblowers have approached me about.

An FBI 1023 document is used to collect information from what the FBI calls a confidential human source.

A confidential human source is not—I want to emphasize—is not a mere walk-in or a mere tip like some journalists have reported. Confidential human source purpose is to advance investigative activity, and the FBI takes great care to make sure that they can vet these people and know that they serve a useful purpose.

The 1023 that I sought from the FBI references a criminal scheme involving then-Vice President Biden and his alleged receipt of $5 million for a policy decision. Now, at first, the FBI refused to even admit that this document existed, let alone admit that this document was marked ''unclassified.''

Then I told Director Wray last week that Chairman COMER and I have reviewed the 1023. I told Director Wray that this 1023 is marked ''unclassified.'' I told him that it was dated June 30, 2020, and I and Chairman COMER demanded that he produce that document.

Director Wray made one excuse after another to not produce it. I reminded Director Wray about how the FBI has a penchant for leaking classified information to the media and producing documents to the media. In fact, we all know that the FBI did exactly that in a May 18, 2023, New York Times article. The FBI, therefore, has no legitimate basis to refuse production of a nonclassified document to the Congress of the United States.

Let's keep in mind that Congress has received 1023 documents in the past, and now the FBI is subject to a legitimate subpoena for that very document. In last week's phone call with Director Wray, I also asked him if the 1023 is part of an ongoing investigation. He answered that it is relevant to an ongoing investigative matter.

From that vague answer, it is reasonable to conclude that it is part of an ongoing investigation, otherwise it wouldn't be relative to one. It is also reasonable to conclude that the FBI finds it reliable enough to continue using it several years later.

Still—still—that doesn't preclude Congress from running a parallel investigation pursuant to our constitutional oversight responsibilities.

You may remember that this Senator did the same thing during Crossfire Hurricane. If anything, this entire process is a lesson for the executive branch with respect to Congress's constitutional power of oversight.

Now, remember, Congress funds the executive branch, not the other way around. Remember, the document referenced other details that I believe will be made public in time. We have duties to the whistleblowers who have provided legally protected unclassified disclosures to us. These whistleblowers are patriots and must be protected.

Partisan media, most likely in conjunction with the Biden FBI, has misleadingly reported the 1023 is from a tranche of information provided by Rudy Giuliani. News reports last week dispel that notion and make clear that 1023 information that we request is independent of Giuliani.

Those news reports also show that the source who formed the basis of the 1023 is a long-serving FBI source. The source reportedly received numerous validations from the FBI. The source reportedly operated even during the Obama administration. Based on what I have been told about yesterday's meeting, the FBI didn't contradict these findings.

Today, I can say that based upon unclassified and legally protected whistleblower disclosures, the FBI source in the 1023 has been paid at least $200,000 by the FBI since the source was opened and operational.

High-dollar payments obviously mean the FBI believes the source to be credible and reputable. That makes sense, since Director Wray said the 1023 is relevant to an ongoing investigative report.

So is the FBI looking at bribery allegations against members of the Biden family? Is U.S. Attorney Weiss looking into this? Did the FBI follow normal investigative processes and procedures or did they just sweep this under the rug?

For example, did the FBI try to improperly use the August 2020 Brian Auten assessment to shut down the 1023 reporting by falsely labeling it ''disinformation''? What exactly is the FBI doing with the information in this 1023 document that we request?